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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TERRANCE SYKES, JR. #14552-055,

Plaintiff,

-v-

DECISION AND ORDER
08-CV-6093L

FRANK P. GEARACI, County Court Judge;
RICHARD C. ROXIN, Prosecutor;
DAVE SIMPSON; SCOTT HILL;
FRANK ALVARADO; L. KINGSLEY;
BRETT SOBIERASKI; LINDA TEAGUE;
CITY OF ROCHESTER; GARY BITETTI;
JOHN R. SCHWARTZ; LISA JOHNSON;
MAGGIE BROOKS; DAVID MOORE;
HARVEY VANHOVEN; MONROE COUNTY;
UNKNOWN PUBLIC DEFENDER;
UNKNOWN GRAND JURORS;
JAMES L. HENDRICKS; OFFICER SINDONI
and OFFICER POST;

Defendants.

INTRODUCTION

Plaintiff, Terrance Sykes, Jr., has filed one motion seeking to alter or amend the decision and order dismissing his *pro se* 42 U.S.C. § 1983 action (Docket No. 6) and a subsequent motion for change of venue (Docket No. 7). It is clear from plaintiff's motion to alter judgement that he has received the Judgement in the case (Docket # 3), filed after the Order dismissing the case, but

has not received the Order dismissing the case which gave the basis thereof (Docket # 2).

Nothing in plaintiff's motion provides a basis to alter or amend the judgment, nor to reconsider the Order of the Court. Therefore, plaintiff's motion is denied. An additional copy of the Order dated April 14, 2008 is attached for plaintiff's reference, along with the date stamp indicating the previous mailing of the Order to plaintiff at HAZELTON U.S. PENITENTIARY, Inmate Mail/Parcels, P.O. BOX 2000, BRUCETON MILLS, WV 26525 on April 16, 2008.

Plaintiff's motion to change venue is denied as moot because there is no case open.

IT IS SO ORDERED.


HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: May 16, 2008